

# EXHIBIT 1

THE STATE OF TEXAS  
COUNTY OF WILSON

81ST DISTRICT COURT

CITATION  
BY CERTIFIED MAIL

SERVICE COPY

CVW2300413

TO: AGCO CORPORATION

REGISTERED AGENT CORPORATION SERVICE COMPANY D/B/A CSC-LAWYER'S INCORPORATING SERVICE COMPANY  
211 E 7TH ST. SUITE 620  
AUSTIN TX 78701-3136

**NOTICE TO DEFENDANT:** YOU HAVE BEEN SUED. YOU MAY EMPLOY AND ATTORNEY, IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF (20) TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [texaslawhelp.org](http://texaslawhelp.org)

GREETINGS: You are hereby commended to appear by filing a written answer to the **PLAINTIFFS ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** at or before 10 o'clock a.m. of the Monday next after the expiration of (20) twenty days after the date of service of this citation before the 81ST DISTRICT COURT, Wilson County, Texas at the Courthouse in the City of Floresville, Texas. Said petition was filed in said Court on 7/19/2023, in this cause numbered CVW2300413.

BRANDON BAUER VS. AGCO CORPORATION

ATTORNEY FOR PLAINTIFF:

PAUL TORRES  
408 DWYER AVENUE  
SAN ANTONIO TX 78204

The nature of this demand is fully shown by a true and correct copy of the **PLAINTIFFS ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** accompanying this citation and made a part hereof.

Issued and given under my hand and seal of said Court at Floresville, Texas this 20th day of July, 2023.

DEBORAH BRYAN, DISTRICT CLERK  
1105 Railroad Street  
PO Box 812  
Floresville, Texas 78114

By: Kauandra J. Jueland  
Deputy Clerk

CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the 19<sup>th</sup> day of JULY 2023 at 11:36 AM and executed the 20<sup>th</sup> day of JULY, 2023 by mailing the same to AGCO CORPORATION REGISTERED AGENT CORPORATION SERVICE COMPANY D/B/A CSC-LAWYER'S INCORPORATING SERVICE COMPANY, 211 E. 7<sup>TH</sup> STREET, SUITE 620, AUSTIN, TEXAS 78701-3136 by certified mail, return receipt requested, a true copy of this citation with a copy of the petition were attached thereto.

Certified Mail #: 9589071052700158973918

Article Number:

By: Kauandra J. Jueland  
Deputy Clerk

Filed  
7/19/2023 11:36 AM  
Deborah Bryan  
Wilson County  
District Clerk

NO. CVW2300413

BRANDON BAUER  
*Plaintiff(s)*

§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

Wilson County - 81st District Court

V.

\_\_\_\_ JUDICIAL DISTRICT

AGCO CORPORATION  
*Defendant*

WILSON COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now BRANDON BAUER, Plaintiff in this cause of action, complaining of AGCO CORPORATION, referred to as Defendant or "AGCO" herein, and respectfully shows the court as follows:

I.

**DISCOVERY PLAN-LEVEL I**

Plaintiffs intend for discovery to be conducted at Level I. Plaintiff is seeking monetary relief of \$50,000.00 or less.

II.

**PARTIES**

Plaintiffs reside in Floresville, Wilson County, Texas, and is a consumer as that term is defined at Chapter 17 of the Texas Business and Commerce Code.

Defendant, AGCO CORPORATION, is a corporation doing business under the laws of the State of Texas and Bexar County, Texas, and may be served **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED**, through its Registered Agent for Service, CORPORATION SERVICE COMPANY d/b/a CSC-LAWYER'S INCORPORATING SERVICE COMPANY, at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3136 USA.

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### III.

#### VENUE

Venue is proper in Wilson County, Texas, because said county is the county where all or a substantial part of the events or omissions giving rise to Plaintiff's cause of action arose [Section 15.002(a)(1), Civil Practice and Remedies Code]. Similarly, a suit against a manufacturer for breach of warranty may be brought in the Plaintiff's county of residence.

### IV.

#### NOTICE

Plaintiff has provided Defendant with notice, as required by Section 17.505, Texas Business and Commerce Code, and has complied with all conditions precedent to the filing of this suit and to the recovery of damages and attorney's fees. Said notice letter is dated October 21, 2022, forwarded to Defendant's corporate address and sent certified mail RRR 7022-2410-0000-6439-2767, received by Defendant on 11-1-2022. Plaintiff maintains verification of the same on file with original signatures.

### V.

#### FACTUAL ALLEGATIONS

On or about June 9, 2021 Plaintiff sought and acquired goods and services from Defendant and entered into a contract with Defendant for the purchase of a New Massey Ferguson 5711D Trailer, Tractor Serial Number AG3M946XOLU134091, Loader Serial Number AG3M946XOLU134091, with a purchase price of \$80,152.48. As part of the transaction, Plaintiff was provided an express written manufacturer's warranty agreement in consideration. Plaintiff purchased the RV in question based on Defendant's express representations that defects in material and workmanship, if any, would be properly diagnosed and repaired pursuant to the manufacturer's warranty. You further represent your tractors to deliver "ultimate practicality and dependability."

In spite of these representations and warranties, and though Plaintiff has repeatedly

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complained to Defendant and allowed authorized dealers multiple attempts at rectifying the numerous concerns, the unit has not been properly repaired to date, has spent significant amount of time in the shop, and continues to display manufacturing related defects. Equally relevant, numerous issues that have been presented for repairs have not been done in a good and workmanlike manner, continue to exist and continue to plague the unit, resulting in the stated claims herein for breach of warranty and damages, due to the diminished value, loss of use and/or costs of repair. Plaintiff contends that the manufacturer has breached its warranty and that the warranty has failed its essential purpose.

As evidenced by the documented warranty history, these problems include, but are not necessarily limited to the following and attached hereto in part as Plaintiff's Exhibit "A";

- TRANSMISSION PROBLEMS-WILL NOT ALWAYS SHIFT INTO GEAR AND WON'T MOVE AT TIMES; GEAR INDICATOR WILL INDICATE CORRECT GEAR, YET WILL REMAIN STAGNANT;
- PROBLEMS WITH THE AC DRAINING INSIDE THE CAB;
- PROBLEMS WITH THE TRANSMISSION SHIFTING INTO WRONG GEAR- SHIFTS SEVERAL GEARS UP OR DOWN INCORRECTLY;
- DASH LIGHTS ILLUMINATE

Plaintiff fully asserts that the unit remains in need of repairs and that the issues contained and complained herein continue to persist, plaguing the tractor and resulting in damages. Plaintiff pleads that the discovery of such breach is recent, wherein the attempted repairs have failed and numerous defects persist.

## VI.

### **VIOLATIONS OF THE TEXAS DECEPTIVE TRADE PRACTICES ACT AND BREACH OF EXPRESS AND IMPLIED WARRANTIES**

Defendant's acts as described above amount to false, misleading, and deceptive acts and

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practices in the conduct of trade and commerce, and are violative of Section 17.46 (b), (5), (7), (12), (20), and (24), and Section 17.50 (a) (1), (2), and (3), Texas Business and Commerce Code, all of which have been the producing cause of Plaintiff's damages. Plaintiff further asserts claims for breach of express and implied warranties for the continued defects.

## VII.

### DAMAGES

Plaintiff's damages are within the jurisdictional limits of this court and consist of the following:

- (1) Economic loss for the diminished value and costs of repair of the unit by reason of its defects, which amount, Plaintiff asserts is \$20,000.00;
- (2) Economic loss for Plaintiff's loss of use of the unit each and every time Plaintiff sought to have warranty work performed of \$20,000.00;
- (3) Attorney's fees of \$10,000.00.

## VIII.

### REQUEST FOR DISCLOSURE

Pursuant to Texas Rules of Civil Procedure 194, Defendant is requested to disclose the information or materials described in Rule 194.2

## X.

### ATTORNEY'S FEES

Plaintiff had to engage the services of the undersigned attorneys to protect his rights, and, as such, is entitled to recover reasonable and necessary attorney's fees for the preparation and for the trial of this case, as well as for appeal, if such becomes necessary.

## XI.

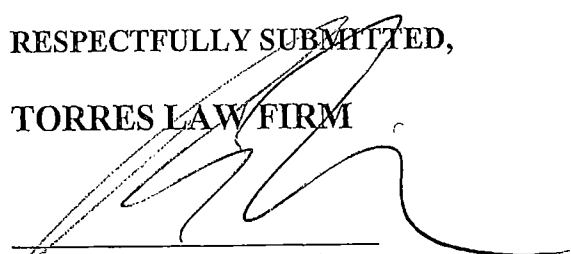
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Wilson County  
District Clerk

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff prays that upon final hearing, Plaintiff have and recover against Defendant those damages stated above, reasonable and necessary attorney's fees, costs of court, prejudgment and post-judgment interest, and all other relief to which Plaintiff may show himself to be justly entitled.

**RESPECTFULLY SUBMITTED,**

**TORRES LAW FIRM**



**BY: PAUL A. TORRES**  
408 DWYER AVENUE  
HISTORIC TEAGARDEN HOUSE  
SAN ANTONIO, TX 78204  
210/737-2672 (TELEPHONE)  
210/737-9358 (TELECOPY)  
TEXAS BAR NO. 24025683  
paul@torreslawpc.com

**ATTORNEY FOR PLAINTIFF,**  
**BRANDON BAUER**

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7/19/2023 11:36 AM  
Deborah Bryan  
Wilson County  
District Clerk

# EXHIBIT "A"



Filed  
7/19/2023 11:36 AM  
Deborah Bryan  
Wilson County  
District Clerk

To:

Brandonn Baur-

1056 CR 137

Floresville, TX 78114

Phone Number 210-232-1129

Email baur-bronnysean@ymail.com

## DIETZ TRACTOR COMPANY

547 IH 10 E.

Seguin, TX 78155

Phone (830) 401-0000

dietztractor@yahoo.com

Date: 06/09/2024

UNITS	DESCRIPTION	AMOUNT
1	New Massey Ferguson 5711D Tractor Deluxe Cab 14.9R24 18.4R34 946X Loader 83" Euro Bucket Rear weights Cab Hold Dyna 4  Tractor SN# AGCMDS30VLB280060 Loader SN# AG3M946X0LU134091	Cash \$80000 Hct 152 <sup>48</sup> <hr/> \$80,152 <sup>48</sup>

Payable upon receipt in Guadalupe County.  
No guarantee or warranty other than listed.

Buyer

Seller

www.dietztractor.com



## DIETZ TRACTOR COMPANY

547 E IH 10  
 Seguin, TX 78155  
 Phone: (830) 401-0000  
 www.dietztractor.com

Filed  
 7/19/2023 11:36 AM  
 Deborah Bryan  
 Wilson County  
 District Clerk



RO: 13348S

Warranty Invoice: 16900S

Date: 12/07/2021

BRANDON BAUER

1056 CR 137

FLORESVILLE, TX 78114

Year		Make/Model		Serial Number		
		2020 MF 5711D		280060		
Stock No	PO	License	Tag	Customer	Telephone	
21272				24471	210-232-1129	

Cond	OpCode	T	Description	Quantity	List	Net	Total
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Type: NEWTRACTOR RO Open Date: 11/10/21 Sold: 06/12/21  
 Meter In: 1

001 PICK-UP/ DELIVERY  
 D PICK-UP/ DELIVERY  
 L L LABOR

Subtotal charges this section

002 CODES ON DASH  
 D CODES FLASHING ON DASHBOARD  
 F CHECKED OUT AND ,REST AND RECALIBRATE T HANDLE AND RECHECKED  
 GOOD  
 L L LABOR

Subtotal charges this section

THANK YOU FOR YOUR BUSINESS

## TERMS:

The undersigned affirms the receipt of the items on this invoice, agrees to the terms of sale and if tax exempt, certifies the purchase is for the exclusive use on a farm or ranch in the production of agricultural products for sale or for the exclusive use in the production of timber products for sale.

I understand that if these items are not used exclusively in this manner, I will be liable for the tax, penalty and interest.

Signature: \_\_\_\_\_

DESC	TOTALS
LABOR	
PARTS	
SUBLET	
MISC	
OTHER	
SUBTOTAL	
TAX	
TOTAL	

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page 1 of 1



MASSEY FERGUSON

## DIETZ TRACTOR COMPANY

547 E IH 10  
Seguin, TX 78155  
Phone: (830) 401-0000  
www.dietztractor.com

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7/19/2023 11:36 AM  
Deborah Bryan  
Wilson County  
District Clerk



RO: 13348S

Warranty Invoice: 16900S

Date: 12/07/2021

BRANDON BAUER  
1056 CR 137

FLORESVILLE, TX 78114

Year		Make/Model		Serial Number		
		2020 MF 5711D		280060		
Stock No	PO	License	Tag	Customer	Telephone	
21272				24471	210-232-1129	

Cond	OpCode	T	Description	Quantity	List	.Net	Total
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Type: NEWTRACTOR RO Open Date: 11/10/21 Sold: 06/12/21  
Meter In: 1

001 PICK-UP/ DELIVERY  
D PICK-UP/ DELIVERY  
L LABOR

Subtotal charges this section

002 CODES ON DASH  
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F CHECKED OUT AND ,REST AND RECALIBRATE T HANDLE AND RECHECKED  
GOOD  
L LABOR

Subtotal charges this section

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Signature: \_\_\_\_\_

DESC	TOTALS
LABOR	
PARTS	
SUBLET	
MISC	
OTHER	
SUBTOTAL	
TAX	
TOTAL	



MASSEY FERGUSON

## DIETZ TRACTOR COMPANY

547 E IH 10  
 Seguin, TX 78155  
 Phone: (830) 401-0000  
 www.dietztractor.com

Filed  
 7/19/2023 11:36 AM  
 Deborah Bryan  
 Wilson County  
 District Clerk



RO: 13348S

Invoice: 16899S

Date: 12/07/2021

BRANDON BAUER  
 1056 CR 137

FLORESVILLE, TX 78114

Year		Make/Model		Serial Number		
		2020 MF 5711D		280060		
Stock No	PO	License	Tag	Customer	Telephone	
21272				24471	210-232-1129	

Cond	OpCode	T	Description	Quantity	List	Net	Total
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Type: NEWTRACTOR RO Open Date: 11/10/21 Sold: 06/12/21  
 Meter In: 1

001 PICK-UP/ DELIVERY  
 D PICK-UP/ DELIVERY  
 L LABOR

Subtotal charges this section

002 CODES ON DASH  
 D CODES FLASHING ON DASHBOARD  
 F CHECKED OUT AND ,REST AND RECALIBRATE T HANDLE AND RECHECKED  
 GOOD  
 L LABOR

Subtotal charges this section

THANK YOU FOR YOUR BUSINESS

Tax ID: 32017085229

## TERMS:

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Signature: \_\_\_\_\_

DESC	TOTALS
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SUBLET	
MISC	
OTHER	
SUBTOTAL	
TAX	
TOTAL	

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page 1 of 1

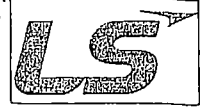


MASSEY FERGUSON

## DIETZ TRACTOR COMPANY

547 E IH 10  
 Seguin, TX 78155  
 Phone: (830) 401-0000  
 www.dietztractor.com

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 Deborah Bryan  
 Wilson County  
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RO: 12497S

Invoice: 15815S

Date: 06/18/2021

BRANDON BAUER  
 1056 CR 137

FLORESVILLE, TX 78114

Year		Make/Model		Serial Number		
		2020 MF 5711D		280060		
Stock No	PO	License		Tag	Customer	Telephone
21272					24471	210-232-1129

Cond	OpCode	T	Description	Quantity	List	Net	Total
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Type: NEWTRACTOR RO Open Date: 06/14/21 Sold: 06/12/21

001 SERVICE CALL  
 D SERVICE CALL  
 L LABOR

Subtotal charges this section

002 WONT START  
 D WONT START  
 L LABOR

Subtotal charges this section

THANK YOU FOR YOUR BUSINESS

Tax ID: 32017085229

## TERMS:

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DESC	TOTALS
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TAX	
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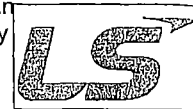


MASSEY FERGUSON

## DIETZ TRACTOR COMPANY

547 E IH 40  
 Seguin, TX 78155  
 Phone: (830) 401-0000  
 www.dietztractor.com

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RO: 12681S

Warranty Invoice: 16355S

Date: 09/08/2021

BRANDON BAUER  
 1056 CR 137

FLORESVILLE, TX 78114

Year		Make/Model		Serial Number		
		2020 MF 5711D		280060		
Stock No	PO	License	Tag	Customer	Telephone	
21272				24471	210-232-1129	

Cond	OpCode	T	Description	Quantity	List	Net	Total
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Type: NEWTRACTOR RO Open Date: 07/13/21 Sold: 06/12/21  
 Meter In: 1

002 LIGHTS ON DASH  
 D LIGHTS /CODES ON DASH  
 L L LABOR

Subtotal charges this section

THANK YOU FOR YOUR BUSINESS

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Signature: \_\_\_\_\_

DESC	TOTALS
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SUBTOTAL	
TAX	
TOTAL	

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page 1 of 1

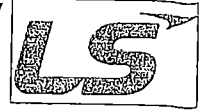


MASSEY FERGUSON

## DIETZ TRACTOR COMPANY

547 E IH 10  
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Warranty Invoice: 16355S

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FLORESVILLE, TX 78114

Year		Make/Model		Serial Number		
2020		MF 5711D		280060		
Stock No	PO	License	Tag	Customer	Telephone	
21272				24471	210-232-1129	

Cond	OpCode	T	Description	Quantity	List	Net	Total
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Type: NEWTRACTOR RO Open Date: 07/13/21 Sold: 06/12/21  
 Meter In: 1

002 . LIGHTS ON DASH  
 D LIGHTS /CODES ON DASH  
 L L LABOR

Subtotal charges this section

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Signature: \_\_\_\_\_

DESC	TOTALS
LABOR	
PARTS	
SUBLET	
MISC	
OTHER	
SUBTOTAL	
TAX	
TOTAL	

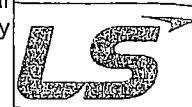


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## DIETZ TRACTOR COMPANY

547 E IH 10  
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www.dietztractor.com

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RO: 13749S

Internal Invoice: 17960S

Date: 06/06/2022

BRANDON BAUER  
1056 CR 137

FLORESVILLE, TX 78114

Year		Make/Model		Serial Number		
		2020 MF 5711D		280060		
Stock No	PO	License	Tag	Customer	Telephone	
21272				24471	210-232-1129	

Cond	OpCode	T	Description	Quantity	List	Net	Total
Type:	NEWTRACTOR		RO.Open Date:	02/18/22	Sold:		06/12/21
Meter In:	1						
001			SERVICE CALL				
			D SERVICE CALL				
	L		L LABOR				
			O MIL MILEAGE	102.00		1.50	153.00
			Subtotal charges this section				153.00
002			SHIFTING PROBLEM				
			D SHIFTING PROBLEM , ON HANDLE SAME AS LAST TIME				
			F REPLACE HANDLE WE BROKE BUTTON				
	L		L LABOR	1.25		70.00	87.50
			P 4372052M2 INDUCTIVE	1.00	56.63	53.24	53.24
			P 4347563M91 GRIP	1.00	47.58	42.82	42.82
			Subtotal charges this section				183.56
003			PICKUP/DELIVERY				
			D PICKUP/DELIVERY				
	L		L LABOR				
			Subtotal charges this section				
004			LIGHTS				
			D CHECK OUT LIGHTS				
			F CHECKED OUT LIGHTS PULLED WIRE LOOSE OUT OF HARNESS WHEN WORKED				
			ON HAD TO FIX				
	L		L LABOR	1.33		70.00	93.10
			P ACW011710A SWITCH-12V	1.00	17.19	15.47	15.47
			P 4271991M1MF RELAY	1.00	75.50	67.95	67.95
			P FREIGHT FREIGHT	1.00	20.00	20.00	20.00
			Subtotal charges this section				196.52
005			ROOF				
			D ROOF WAS DAMAGED DUE TO TECH LEFT BOLTS OFF SO WHEN DRIVER				
			DELIVERED ROOF BLEW OFF AND CRACKED				
			F WENT OUT AND REPLACE BROKEN DAMAGED PARTS ON ROOF THAT TECH				
			LEFT LOOSE/ NO BOLTS WHEN HE WORKED ON UNIT RELICK/TECH				
	L		L LABOR	2.00		70.00	140.00
			P ACW003760B LATERAL CA	1.00	98.71	88.84	88.84
			P ACW0037620 GASKET	1.00	54.40	48.96	48.96
			P 4355255M1 SCREW-T40	6.00	3.85	3.47	20.82
			P ACW003761B LATERAL CA	1.00	98.71	88.84	88.84
			Subtotal charges this section				387.46
			M Shop Supplies				16.03

THANK YOU FOR YOUR BUSINESS

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page 1 of 2



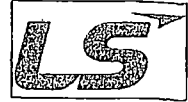
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District Clerk



MASSEY FERGUSON

## DIETZ TRACTOR COMPANY

547 E IH 10  
Seguin, TX 78155  
Phone: (830) 401-0000  
www.dietztractor.com



RO: 13749S

Internal Invoice: 17960S

Date: 06/06/2022

BRANDON BAUER  
1056 CR 137

FLORESVILLE, TX 78114

Year		Make/Model		Serial Number		
		2020 MF 5711D		280060		
Stock No	PO	License	Tag	Customer	Telephone	
21272				24471	210-232-1129	

Cond	OpCode	T	Description	Quantity	List	Net	Total
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Allocation control # account # [REDACTED] 153.00  
Allocation control # account # [REDACTED] 187.94  
Allocation control # account # [REDACTED] 201.17  
Allocation control # account # [REDACTED] 394.46

## TERMS:

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Signature: \_\_\_\_\_

DESC	TOTALS
LABOR	320.60
PARTS	446.94
SUBLET	
MISC	16.03
OTHER	153.00
SUBTOTAL	936.57
TAX	
TOTAL	936.57

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page 2 of 2



MASSEY FERGUSON

## DIETZ TRACTOR COMPANY

547 E IH 10  
 Seguin, TX 78155  
 Phone: (830) 401-0000  
 www.dietztractor.com

Filed  
 7/19/2023 11:36 AM  
 Deborah Bryan  
 Wilson County  
 District Clerk



RO: 12681S

Invoice: 16354S

Date: 09/08/2021

BRANDON BAUER  
 1056 CR 137

FLORESVILLE, TX 78114

Year		Make/Model		Serial Number		
		2020 MF 5711D		280060		
Stock No	PO	License	Tag	Customer	Telephone	
21272				24471	210-232-1129	

Cond	OpCode	T	Description	Quantity	List	Net	Total
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Type: NEWTRACTOR RO Open Date: 07/13/21 Sold: 06/12/21  
 Meter In: 1

001 SERVICE CALL  
 D SERVICE CALL  
 L LABOR

Subtotal charges this section

002 LIGHTS ON DASH  
 D LIGHTS /CODES ON DASH  
 L LABOR

Subtotal charges this section

THANK YOU FOR YOUR BUSINESS

Tax ID: 32017085229

## TERMS:

The undersigned affirms the receipt of the items on this invoice, agrees to the terms of sale and if tax exempt, certifies the purchase is for the exclusive use on a farm or ranch in the production of agricultural products for sale or for the exclusive use in the production of timber products for sale.  
 I understand that if these items are not used exclusively in this manner, I will be liable for the tax, penalty and interest.

Signature: \_\_\_\_\_

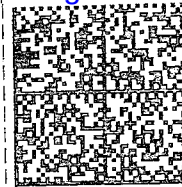
DESC	TOTALS
LABOR	
PARTS	
SUBLET	
MISC	
OTHER	
SUBTOTAL	
TAX	
TOTAL	



DEBORAH BRYAN  
Wilson County District Clerk  
1105 Railroad Street  
Floresville, Texas 78114



9589 0710 5270 0158 9739 18



FP<sup>®</sup> US POSTAGE  
\$009.01<sup>0</sup>

First-Class - IMI  
ZIP 78114

07/20/2023  
036B 0011828450

AGCO CORPORATION  
REGISTERED AGENT CORPORATION SERVICE  
COMPANY D/B/A CSC-LAWYER'S INCORPORATING  
SERVICE COMPANY  
211 E 7TH ST. SUITE 620  
AUSTIN TX 78701-3136